

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

On November 17, 2009, plaintiff, a California prisoner incarcerated at the Lake County Jail and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. By order filed April 19, 2010, the Court reviewed the complaint and found plaintiff's allegation that officials at the Lake County Jail were denying him access to magazines, in violation of the jail's regulatory standards, did not state a cognizable claim for relief under 42 U.S.C. § 1983. Consequently, the Court determined the complaint was subject to dismissal; the Court, however, granted plaintiff leave to file, within thirty days of the date the order was filed, an amended complaint, provided he could allege facts, subject to proof, that would cure the noted pleading deficiencies.

More than thirty days have passed since the Court's order was filed and plaintiff has not filed an amended complaint or otherwise responded to the Court's order. Accordingly,

1 the instant action is hereby DISMISSED without prejudice.

2 The Clerk shall close the file.

3 IT IS SO ORDERED.

4 DATED: June 2, 2010

Maxine M. Chesney
5 MAXINE M. CHESNEY
6 United States District Judge